

1888-012 Chancery Causes: Cone Shields & Co] vs. H. D. Litten &  
Lee Co.

Cone, Shields, Stout, Cowan, McClung, Dickenson, Thomas,  
Rhea, Cowan McClung & Co], Orr

CA-Debt  
T-Property  
Migration



To the honorable H. S. K. Morrison Judge  
of the Circuit Court of Lee County Va.

Humblly Complaining, your orators M. A.  
Cane, Cesar Cane, J. T. Shields & James S.  
Shields Merchants & partners trading under  
the firm, name & style of Cane Shields &  
Co, would respectfully shew unto your  
honor, that A. D. Litton, <sup>late</sup> merchant, of said  
County, is justly indebted to them in the  
sum of \$161.30, for goods wares & merchan-  
-dise heretofore sold & delivered by your  
orators to said Litton, at his special instance  
and request, an account of which is  
herewith filed marked, "A" as part hereof;  
<sup>no part of which has been paid;</sup>  
that the said Litton has recently removed  
from this State and become a citizen of  
the State of Texas, and now resides there;  
that he has a debt owing to him from one  
Wm L Stout of this County, that will become  
due and payable in the <sup>1st day of July 1888,</sup> ~~near future~~,  
~~about~~ \$65.00. The object of this suit therefore  
is to obtain a decree in favor of your  
orators against said Litton for the amount  
of their said debt, and to attach and sub-  
-ject to the payment thereof the debt due  
or to become due from the said Wm L  
Stout to said Litton. The prayer of your ora-  
tors therefore is that the said A. D. Litton &



M<sup>r</sup> L Stout he made the parties defendants  
to this bill, and required to answer the same  
on oath; that the said M<sup>r</sup> L Stout answer  
and state how much he owes the said  
H. D. Litton and when the same will become  
due; and on a hearing that a decree be  
rendered in favor of your orators against  
said Litton for the amount of their said  
debt, and that the said Stout be decreed  
to pay to your orators the amount he owes  
to said Litton, and for all further & general  
relief, May Opa with attachment be issued  
directed &c. And your orators will ever  
pray &c.

Richmond & Orr, attys  
for Complainants.



C 6.16 to Aug, 86  
 S 57  
 Pr 5.00  
 Cr 15.00  
\$ 26.66

Added 1.44  
 C 6 25  
 Check 248

Cone Shields & Co.

Bill in Chy

H. D. Litton et al

1887 July Bill filed Spas  
 Exd on home deft & d. t.  
 order sub. & cont'd

" Aug. D. W. Gufd Order sub  
 Completed & Cause set for hearing

" Aug Decree & Cont'd  
 1888 Apr. Decree & cont'd

" Sept Continued

" Decr. Decree final

Leavon M. Baugh Co  
 Recor against  
 Cone Shields & Co  
 Costs as follows

C 6.02  
 S 90  
 Wit 1.50  
\$ 8.42



To the Honorable H. S. K. Moorin  
Judge of the Circuit Court of La Co. 7<sup>th</sup>  
Your petitioners, James T. Leaven  
F. H. McLaugh, L. J. McLaugh, Matthew  
McLaugh, A. Dickerson, Jacob L. Thom-  
as, and other merchants and part-  
ners in trade trading under the firm  
and style name of Leaven, McLaugh  
Co. humbly complaining would re-  
spectfully represent unto your Honor  
that they are the assignees of a  
certain bond for \$65.00 executed by  
H. L. Slack - on the 10<sup>th</sup> day of January  
1887, and due on or before the 1<sup>st</sup> of  
January 1888; that this assignment  
was made by H. D. Litten to your  
petitioners for valuable consid-  
eration and long before the filing of  
the bill of leave, Shields & Co. vs.  
H. D. Litten and H. L. Slack for the pur-  
pose set out in said bill and proceed-  
ings.

Your petitioners upon these  
facts as above alleged are advised  
that they have the equitable right  
by reason of said assignment to the  
property in said bond. Hence their  
prayer is, that they be permitted



to be made parties to said bill of  
laws, Shields & Co., and that they  
be permitted to ~~make~~ assert their  
rights in said band, and that plaintiff  
aforesaid be required to amend  
their bill, making these parti-  
tians parties defendants, so that  
they may be enabled to set up  
and assert their rights in the  
said band. And such other fur-  
and general relief as may be  
required by conscience & equity.

And they well wren foray re-

Wm. C. & Pennington

P. 275

Sworn to before me by  
E. W. Pennington Sept 27 1887  
J. A. Hyatt



Leman McElunghe  
vs Petitioner

Leman Shields & Co. V. als

Filed in office Court  
by leave thereof Sept. 2<sup>nd</sup>  
1887. J. A. Hyattce



To the Honorable H. S. K. Morrison Judge  
of the Circuit Court for the 7<sup>th</sup>

The Answer of W. L. Stant-  
to a rule made and pronounced  
on the 2<sup>nd</sup> day of Sept. 1887 in  
the chancery cause of Leone,  
Shields & Co. vs. H. S. Little et-  
now pending in the Circuit Court of the County of Vt.  
al, and for answer thereto or  
to so much thereof as he is ad-  
vised it is material he should <sup>answer</sup>  
answer and says, That it is  
true that he executed a note  
on the 10 day of Jan. 1887 ~~to~~  
~~pay~~ to H. S. Little for \$65-  
one Jan. 1st 1888, and that  
he still owes said debt; that  
he is informed that pretty  
soon after the execution of said  
note to said Little, he <sup>the</sup> said  
Little assigned the same to  
Leona W. Colby & Co.; and  
that this assignment was  
made before the attachment  
of Cam Shields and Co was  
served upon your respondent;  
But your ~~first~~ respondent a-  
vows he knew nothing of this  
assignment until after said  
attachment was served out a-  
gainst and served upon him.



That part of said rule re-  
quiring your respondent to an-  
swer and show to whom this sum  
of money should be paid, he  
says he is not sufficiently  
advised as to the facts in the  
cause and the law appli-  
cable thereto. Your respon-  
dent states he is willing and  
ready to pay said sum at  
any time and to whomsoever  
your honor may direct.

Now having fully an-  
swered he prays to be leave  
dismissed with his reason-  
able costs in this behalf  
expended. And he will ever  
pray &c.

E. W. Pennington  
for respondent.

Sworn to before me by W. L. Stout  
April 27 1888

J. S. Hyatt

W. L. Stout -

acts } Assumed to be

Leane Shields & Co

Filed in open court  
by leave thereof  
April 27 1888.

J. S. Hyatt



Cause Shields & Co

Plffs

<sup>vs</sup>  
J<sup>m</sup> D. Littou et al

3 In chcy,  
Dft

and

Cause Cowan M<sup>c</sup>Clung & Co

Plffs

<sup>vs</sup>

3 on Petition in chcy,

Cause Shields & Co

Dfts.

The, ~~in~~ directing an issue to be  
tried on the law side of This court to deter-  
mine who is entitled to the debt due from  
J<sup>m</sup> L. Stout to H. D. Littou is set aside by  
consent and the whole matter of fact like-  
wise by consent, is submitted to the Court  
and thereupon said causes came on to be  
heard upon the papers formerly read,  
and was argued by counsel and the Court  
being of opinion that the said, Cowan  
& M<sup>c</sup>Clung are entitled to said money it is  
adjudged ordered and decreed that J. A. G. Hy  
att in whose hands said money now is pay  
the same to said Cowan M<sup>c</sup>Clung & Co  
and it is also adjudged that the said Cow-  
an M<sup>c</sup>Clung & Co recover from the said  
Cause Shields & Co the costs of said petition  
to be taxed by the Clerk, and it is  
further adjudged and decreed that  
said Cause Shields & Co recover against  
the Dft H. D. Littou the sum of



born Shales 76  
25 3 Deane

H. D. Little has  
Entered Dec. 8<sup>th</sup> 1888  
Chas. O. B. 187.  
Hyatt C. B.

Enter this deary  
H. S. M.  
Dec 8<sup>th</sup> 1888

\$161.30 with legal interest thereon from  
The 2nd day of March 1888 till paid and  
The execs of this will and this same is  
Satisfied from the assets.



Loone Shields & Co

Pltff

vs

3 In chcy

H. D. Kilton et als,

Dfts.

This cause came on this day to be heard upon the papers formerly read the petition of Leowan M<sup>c</sup>Clung & Co, the answer of H. D. Kilton this day filed and was argued by counsel.

On consideration whereof, and it appearing to the Court that, Leowan M<sup>c</sup>Clung & Co, are asserting their right to said debt attached on it is ordered that upon the execution of bond by the said Leowan M<sup>c</sup>Clung & Co or by some one for him, before the Clerk of this Court in a sum of \$25<sup>00</sup>, conditioned to pay all costs that may be adjudged against them should their petition be decided adverse to them, an issue be and the same is hereby directed to be tried at the bar of this Court on the low side thereof to ascertain and determine who is entitled to said debt, Leowan M<sup>c</sup>Clung & Co or Leowan Shields & Co and upon the trial of said issue. The said Leowan M<sup>c</sup>Clung & Co shall be the plaintiffs and Leowan Shields & Co shall be the defendants, and till till the coming in of the verdict of said jury said cause is continued.



Can Shulds the  
no. 3. 1800  
H. B. Litten

---

Entered Chey O.B.  
page 112.  
J. A. Hyatt & Co.

---

Entered  
1800  
March 3/88.



Virginia

At a circuit court continued and  
held for Lee County at &c Sept 2. 1887.  
Cone Shields & Co      Plffs }  
vs      } Embrey  
J. D. Litton et al      Defs }

# # # # a rule is also directed  
to issue and be served on W. L. Stout  
to appear at the March Term 1888, of  
this Court, to interplead with Petitioners  
and Plffs, as to the debt in the bill  
mentioned, and to show to whom  
the same shall be paid # # #

Attest

Teste J. C. Hyatt



Cone Shields & Co  
vs <sup>3</sup>/<sub>3</sub> Copy & Secre  
H. D. Littow et al

---

I accept legal  
service of this  
notice  
W. L. Stouit



Cone, Shields, & Co.; Campello;

or

H. D. Litten et al

Deft.

In Chan.

This came on this day to be heard again upon the papers formerly read in the cause, & the petition of Leaman, McLaughlin & Co., filed in open court, and was argued by counsel. On consideration of all which it ordered, adjudged and decreed that the decree entered in the above styled cause on Sept. 1<sup>st</sup> 1887 is annulled, and set aside, in so far as it decrees the debt in this mentioned due by St. R. Stout to H. D. Litten to be paid when due to said plaintiffs, and in regard to which debt ~~200~~ decree is now made but all questions of Stout's liability to Plaintiffs, or to Litten or to Petitioners are expressly reserved for future adjudication; a rule is also directed to issue and be served said St. R. Stout to appear at the next term of this court to interplead with petitioners & Defts. as to the debt in the bill and proceedings mentioned and show to whom the same should be paid; that H. D. Litten and Leaman, Shields & Co., who appear by counsel and waive answering process be made parties Defts to said petition, and they have leave if so advised to file such pleadings as is proper to assert or defend their claims to said debt. And this cause is continued



Leam Shields & Co

02 DECEMBER No 2

H. O. Cattan et al

---

Entered page 69

C. O. Book No. 3.

J. A. G. Hyatt  
cl.

Enter this decree

N. S. M.

Sept. 2<sup>nd</sup> 1887



Bane Shields & Co

Plffs.

against

H. D. Litton & Wm L Stout Defts

In chancery.

This cause came on this day to be heard upon the bill of the complainants & exhibit therewith, the process and attachment duly executed on the defendant Wm L Stout, the order of publication duly made, posted & published as the law directs against the nonresident defendant H. D. Litton, and which has been completed the time required by law, before the commencement of this term of the Court, and was argued by counsel.

And said defendants failing to appear, it is adjudged, ordered and decreed that the plaintiffs recover against the defendant, H. D. Litton

\$161.30 with legal interest thereon from the 28th day of January 1887, until paid, and the costs of this suit, and it appearing from the allegations of the bill that the defendant Wm L Stout is indebted to said Litton in the sum of \$65.00 to become due and payable on the 1st day of January 1888, ~~and that he has been served with a copy~~

~~of the attachment issued in this cause~~ it is ordered that said Stout pay said sum of \$65.00, when the same becomes due, to the plaintiffs, ~~and if not so paid, execution~~ in part satisfaction of this decree, and if the same is not so paid by said Stout to the plaintiffs, <sup>when due</sup> they may have execution therefor. And the cause is stricken from the docket.

\*But before the plaintiffs shall have the benefit of this decree they are required to execute bond before the clerk of this Court in the penalty of \$400 - conditioned according to law



Loane Shields & Co.

vs { Decree ~~Final~~

H. D. Linton et al.

Entered on page 58

C. D. Book No. 3.

J. A. G. Hyatt & Co.

Enter this Decree,

H. S. M. M.

Sept 1st 1887.



Virginia, Lee county, to wit:

This day James W Orr personally appeared before me and made oath that F. D. Little is, as he is informed and believes, a nonresident of the State of Virginia.

Given under my hand May 31st 1887.

J. A. Hyatt C. C.



Object to recover from H. D. Litton \$161.80  
+ interest thereon, and to <sup>subject to the payment thereof</sup> ~~attach~~ the debt due  
said Litton from his Co defendant Wm L. Stout  
which has been attachment for the purchase, &c

Cone, Shields & Co.,

vs 3 Affiant

H. D. Litton et al

Filed May 31<sup>st</sup> 1887.

J. A. Hyatt & Co.



Virginia

At a Circuit Court continued &  
held for Lee County at the Court House  
thereof on Sept. 3<sup>rd</sup> 1887

Cone Shields & Co.

Plffs

vs.

J. M. Chauncy.

H. D. Litton et al.

Defts

This cause came on to be heard upon the  
papers formerly read in the cause and the  
petition of Cowan McBlung also filed in  
Open Court & was argued by Counsel.

On consideration of all which, It is adjudged  
ordered & decreed that the decree entered  
in the above styled cause on Sept 1<sup>st</sup> 1887, is  
annulled & set aside in so far as it decrees  
the Debt in the bill mentioned due by W. L.  
Stout to H. D. Litton to be paid when due  
to said plaintiff, and in regard to which  
Debt, no decree is now made but all questions  
of Stout's liabilities to plaintiffs or to Litton or  
to Petitioners, are expressly reserved for future  
adjudication. A rule is also directed  
to issue & be served on said W. L. Stout  
to appear at the next term of this Court  
to interplead with petitioners, and plffs.  
as to the Debt in the bill & proceedings  
mentioned, and show to whom the same  
shall be paid. That H. D. Litton & Cone  
Shields & Co. who appear by counsel and



wave service of process. he made  
parties defendants to said petition  
& they have leave, if so advised to  
file such pleadings as are proper to  
assert or defend their claims to  
said debt & the cause is continued

A Copy  
Teste J. H. Hyatt C.

Cone Shields & Co

vs. 3 Copy of Rule

H. D. Lutton et al

Executed by  
delivering an office  
copy of this order  
to W. L. L. Stout  
January, the 20<sup>th</sup> 1888  
H. D. Lutton, J. S.  
for B. H. Lutton  
J. S.

Debt fee 78¢  
Sheriff 50 cents



STATEMENT.

Knoxville, Tenn. Jan'y 28 1887

M. H. D. Lytton  
Rockey Station  
Cone, Shields & Co. vs

Wholesale Grocers and Manufacturers of Tobaccos.  
230 EAST GAY STREET.

Folio 656

TERMS CASH.

Interest at 6 percent. after 60 days.

1885		Bal. last Statement.			
Nov	4	To Bill Rend."	66	30	
<sup>1886</sup> mch	4		52	75	
"	5		7	80	
Apr	5		68	79	
					\$ 195 14
mch	2	in Cash			40 00
					\$ 155 14
		Inc			6 16
					\$ 161 30
		Notary fee			50
					\$ 161 80

State of Tennessee, County of Knox.

Personally appeared before the undersigned, a Notary Public in and for said County, duly commissioned and sworn, J. S. Shields to me well known, and made oath in due form of law, that the account against H. D. Lytton, (Rockey Station 7a) amounting to one hundred, sixty one and 30/100 DOLLARS, is correct and is justly due Cone, Shields & Co. of which firm he is a member after the allowance of all credits to which the said H. D. Lytton is entitled as he verily believes.

Subscribed and sworn to before me this 29 day of Jan'y 1887

J. S. Shields  
J. H. Carson  
Notary Public





*[Handwritten signature]*



Know all men by these presents that we C. T. Duncan and E. W. Pennington are held and firmly bound unto the Com<sup>th</sup> of Virginia in the just and full sum of 25\$, and for the prompt payment thereof well and truly to be made unto said Commonwealth we each bind ourselves heirs &c and as to this bond we waive our homestead exemptions witness our hands and seals this 4<sup>th</sup> day of Sept. 1888.

The condition of the above obligation is such, that whereas Leowan McElung & Co, filed by leave of the Court a petition asserting certain rights in the Chancery Cause of Cone Shields & Co vs H. D. Littor et al, Now Therefore should the said Leowan McElung & Co, on some one for them pay such costs as may be awarded against them should their petition be dismissed, then this obligation to be void otherwise to remain in full force and virtue

E. W. Pennington

C. T. Duncan

Seal

Seal



1  
Comm, Shieldslee

vs } Recd

H. O. Little et al



Virginia

At Rules held in the Clerk's Office  
of the Circuit Court for Lee County,  
June 6<sup>th</sup> 1884  
Cone Shields & Co. Defts }

vs  
H. D. Litton et al Defts } In Chancery

The object of this suit is to recover  
against the defendant H. D. Litton  
\$161.80 the debt in the bill mentioned  
& interest thereon, and the costs  
of this suit, and to subject to the  
payment thereof the debt due  
said Litton from his Co. defen-  
dant W. L. Stout, which has been  
attached for the purpose; and  
it appearing from an affidavit  
filed in this cause that the  
defendant H. D. Litton is a  
non-resident of this State;  
It is therefore ordered that  
he appear here within one  
month after due publication  
of this order and do what may  
be necessary to protect his  
interest in this suit.

A Copy

Richmond Ed Arr D. C.

Teste J. A. Hyatt C



Cornwall Shire Co.

no 3 Order Pub.

W. D. Littton it ad

I certify that I  
delivered to the  
"Oderald," an office  
copy of this order  
for Publication  
on the 6<sup>th</sup> June 1887,  
and posted a like  
copy thereof on the  
front door of Lee Co.  
at the June Term of the  
County Court 1887.

J. A. Hyatt



# The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Creeting:

WE COMMAND YOU to summon

*H. D. Litton and*  
*Am. L. Stout.*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House  
on the first Monday in *June* next, being Rule Day, to answer a

Bill in Chancery exhibited in our Court against *them*, by *M. A.*  
*Cone, Cesar Cone, J. T. Shields & James S. Shields*  
*merchants & partners trading under the firm name*  
*and style of "Cone Shields & Co."*

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said  
Court, at the Court House, this *31<sup>st</sup>* day of *May* 188*7* in  
the *111* year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste:



(R. 40)

Leone Shields & Co  
vs Spain & Co  
H. D. Littor et al

To June Rules 1887  
Executed on ~~H. D. Littor~~ <sup>Wm. L. Stout</sup>  
by delivering to him  
an attested office copy of  
the within writ & attachment.  
June 2nd 1887.

R. D. Hawley, S. L. C.

June 2

we make affidavit having been made by the  
officer serving this process with a check the  
state of the defendant's return in the state and  
especially the debt due from him his book and  
out of the state and the same in his hands as  
attached so to secure and provide that the same  
may be forthcoming and liable to the future order  
of the court.

J. A. W. Stoughton & Co



**The Commonwealth of Virginia.**

**To The Sheriff Of Lee County Greeting:**

**WE COMMAND YOU TO SUMMON**

*W. L. Stout*

To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the *2nd*  
day of *December* term next to testify and the truth to speak in behalf of

*Come Shields & Co* in certain matters of controversy  
pending in our said Court between

*Leowan McElmington Co*

Plaintiff, and *said*

*Come Shields & Co*

Defendants. And this *he* shall in no wise

omit under the penalty of Twenty Dollars. And have then there this writ. Witness, J. A. G. Hyatt,

Clerk of our said Court at the Courthouse.

This *26<sup>th</sup>* day of *Novr.* 18 *88*, in the 11<sup>*3*</sup> year of the Commonwealth.

*J. A. G. Hyatt* Clerk.



Corn Shilds Co  
and 3/4 Spa

Cornwall M'Clung Co

To 2 day Dec. 1. 1888

Executed November  
The 30 1888

R. D. Flannery S. G.



**The Commonwealth of Virginia.**

**To The Sheriff Of Lee County Greeting:**

WE COMMAND YOU TO SUMMON

*Jack Jesse*  
*and John Jesse*

To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the *2nd*  
day of *December* term next to testify and the truth to speak in behalf of  
*Leowan McLung Co* in certian matters of controversy  
pending in our said Court between *said*

*Leowan McLung Co*  
Plaintiff, and

*Carne Shields & Co*  
Defendant. & And this *they* shall in no wise  
omit under the penalty of Twenty Dollars. And have then there this writ. Witness, J. A. G. Hyatt,  
Clerk of our said Court at the Courthouse.

This *26<sup>th</sup>* day of *Novr.* 18*88*, in the 11<sup>th</sup> year of the Commonwealth.

*J. A. G. Hyatt* Clerk.



Cowan McClinton  
vs 3 Sha

Come Shields & Co

To 2<sup>nd</sup> day Dec. 7. 1888

Executed  
November 30. 1888  
R. G. Flanory S. C. C.



Jonesville Va Aug 22/87.  
I J. Jeff Deff, Publisher of the Va Her-  
ald, a weekly newspaper pub-  
lished at Jonesville Lee County  
Virginia do certify that the  
aforesaid Chancery order was  
published four successive weeks  
in said newspaper, publica-  
tion ending July 15th 1887.  
J. Jeff Deff Pub.  
Publication Fee of \$5.00 is  
unpaid,

VIRGINIA: At rules held in the clerk's  
office of the circuit court for Lee county,  
on Monday the 6th, day of June, 1897.

Cone, Shields & Co, Plts.

vs.

H. D. Litton Defts.

In Chy.

The object of this suit is to recover  
against defendant H. D. Litton \$161.80  
the debt in the bill mentioned and inter-  
est thereon, and the costs of this suit and to  
subject to the payment thereof the debt  
due said Litton from his co-defendant W.  
L. Stout, which has been attached for the  
purpose; and it appearing from an affida-  
vit filed in this cause that defendant H.  
D. Litton is a non-residence of this State.  
It is therefore ordered that he appear  
here within one month after due publi-  
cation of this order and do what may be  
necessary to protect his interest in this  
suit.

A copy Test,

J. A. G. HYATT, C. C.

Richmond & Ort, p. q.



Cone Shields & Co  
T.S. Pub  
Certificate  
A.L. Sillou

Order of Publication

Pub for \$500

R.O.P.Q.